

MEMORANDUM FOR THE RECORD:

July 20, 1982

SUBJECT: Danger Pay

1. [] from SOVA Personnel called last week to ask whether there was some kind of premium pay for working in a war zone. The FPM's do not describe this kind of situation under Hazardous Duty Pay.

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2. [] Allowances Branch/OP, says that the Agency provides Danger Pay (usually a 25% differential) to employees working in a war zone. The Secretary of State establishes locations for which Danger Pay is allowable for employees of any U.S. agency overseas. The DCI has authority to establish locations for Agency employees when there are no State Department employees at the location. Call [] for further information.

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Foreign Affairs Manual Circular

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FAMC No. 81-45
USICA Circ. 104D and 101F
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UNIFORM STATE/AID/USICA/FAS/ITA ISSUANCE

DANGER PAY ALLOWANCE

1. Purpose

This circular announces the legal and regulatory authority for the payment of a danger pay allowance.

2. Authority

Section 2311 of the Foreign Service Act of 1980 amended subchapter III of chapter 59 of title 5, United States Code, to add a new section 5928. Section 5928 provides for granting a danger pay allowance to certain employees serving in a foreign area under specified conditions. New regulatory authority is contained in chapter 650 of the Standardized Regulations (Government Civilians, Foreign Areas)(GC, FA).

3. Policy

a. Danger pay may be authorized at posts where civil insurrection, civil war, terrorism, or wartime conditions threaten physical harm or imminent danger to the health or wellbeing of employees. It will normally be granted only at posts where the evacuation of dependents and/or nonessential personnel has been authorized or ordered, or at posts at which dependents are not permitted. Under exceptional circumstances, danger pay may be granted at other posts with the approval of the Secretary of State.

b. That part of the hardship post differential rate (chapter 500 of the Standardized Regulations (GC,FA)) at a post which is attributable to political violence shall be reduced to avoid dual crediting for political violence.

c. The regular post differential and any special incentive differential will be reviewed to assure that appropriate rates of each are established concurrent with termination or revision of danger pay.

4. Making Application and Payment

a. Eligible employees of the Departments of State, Agriculture, and Commerce, and of the International Communication Agency make application for danger pay allowance on form SF-1190, "Foreign Allowances

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Application, Grant, and Report," in Box 26. The post will insert danger pay in the Post Differential block of section 29 of the SF-1190, under the post differential line, following instructions in 3 FAM 315.3, with authorized percentage and applicable date. The procedures in 4 FAM 542.10 govern payment of the danger pay allowance.

b. For employees of the Agency for International Development, application and payment procedures are to be incorporated into Handbook 26 as an attachment to a forthcoming Handbook Circular.

5. Special Instructions

Cross-reference this circular to 3 FAM 300, to 4 FAM 542.10, and to AID Handbook 26.

6. Expiration

This circular expires on September 22, 1982, unless it is canceled, codified, or further extended before that date.

(PER/MGT)

(NOTE.--Number of last circular issued: FAMC No. 81-44.)

CHAPTER 650

DANGER PAY ALLOWANCE

651 Definitions

For the purpose of this chapter

- a. "Danger Pay Allowance" means the additional compensation of up to 25 percent over basic compensation granted to employees (Sections 031 and 040i.) for service at designated danger pay posts, pursuant to Section 5928, Title 5, United States Code (section 2311, Foreign Service Act of 1980) and the provisions of this chapter.
- b. "Danger Pay Post" means:
 1. A place listed individually in Section 920 which has been so designated by the Secretary of State.
 2. A place which is not listed individually in Section 920 but which is located in a country or area which has been so designated by the Secretary of State.
- c. "Detail" means detail as defined in Section 040p. for a minimum of 24 consecutive hours, commencing at time of arrival, at a place designated a danger pay post, other than the employee's post (section 040h.), including all periods of leave while present at such place of detail but excluding any days of absence away from the designated post or country/area. Employees transiting a post who are inadvertently detained thereat for more than one day shall be considered on detail.
- d. "Day" means each midnight, including the midnight of the 24-hour minimum period required by Section 651c., occurring while the employee is on detail at a designated danger pay post or country/area.

652 Scope

- a. The danger pay allowance is designed to provide additional compensation above basic compensation to all U.S. Government civilian employees, including Chiefs of Mission, for service at places in foreign areas where there exist conditions of civil insurrection, civil war, terrorism or wartime conditions which threaten physical harm or imminent danger to the health or well-being of an employee. These conditions do not include acts characterized chiefly as economic crime.
- b. The danger pay allowance may be granted separately from any grant of post differential in Chapter 500 and may be granted at foreign posts or country/areas which have no post differential.

- c. The danger pay allowance, if prescribed, is in lieu of any special incentive differential authorized a post under the provisions of Chapter 570, which may have been in effect at the post at the time of designation as a danger pay post to the extent that the combined payments may not exceed 25 percent of basic compensation.
- d. The danger pay allowance is in lieu of that part of the hardship post differential rate (Chapter 500) at a post which is attributable to political violence. Consequently the rate of post differential may be reduced while danger pay allowance is in effect to avoid dual crediting for political violence. However, combined danger pay and post differential for each employee will be at least five percent of basic compensation above the previous combined post differential and special incentive differential, if any, in effect at the post.
- e. Unless otherwise specified, the amount of the danger pay allowance shall be at the maximum rate of 25 percent of basic compensation.

653 Basis for Danger Pay Allowance

653.1 Designation

A danger pay allowance is established by the Secretary of State when, and only when, civil insurrection, civil war, terrorism or wartime conditions threaten physical harm or imminent danger to the health or well being of a majority of employees officially stationed or detailed at a post or country/area in a foreign area.

653.2 Criterion

In general, the conditions described under Sections 652 and 653.1 must be such that an evacuation from the post of non-essential employees or dependents or both has been authorized or ordered; or non-essential employees and/or dependents are not permitted to come to the post because of these conditions. There must exist a continuing threat of physical harm or imminent danger to health or well being of employees at the post. Consequently, the danger pay allowance, if not terminated earlier, shall be terminated when non-essential employees and/or dependents are first authorized to return to the post.

653.3 Periodic Review

Conditions at danger pay allowance posts are reviewed periodically at appropriate intervals, usually monthly, to ensure that the danger pay allowance continues only during the existence of conditions justifying such payment. As a result of periodic reviews the danger pay allowance may be modified or removed at any time.

ALLOWANCES

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654 Danger Pay Allowance Applicable to Post (Sec. 040h.)654.1 Commencement

Danger pay allowance commences on the date of designation by the Secretary of State for employees present at the post on assignment or detail, and on the date of arrival at post for subsequently assigned or detailed employees or for employees returning to post after temporary absence.

654.2 Termination

The danger pay allowance terminates as of the close of business on the day the designation is removed by the Secretary of State, or the day the employee departs the post for any reason for a post or country/area not designated for the danger pay allowances.

655 Danger Pay Allowance on Detail

Employees on detail at a danger pay post may be granted the danger pay allowance at the prescribed rate for all days of detail at such post except for days of absence from the post in a post or area not designated for the danger pay allowance.

656 Payments656.1 Full-Time, Temporary and Intermittent Employees

The danger pay allowance for full-time employees and employees appointed for temporary periods (Secs. 013.3 and 031.4) shall be at the percentage of basic compensation established for the post. For part-time regularly-scheduled employees and intermittent employees the danger pay allowance shall be computed at the prescribed percentage of basic compensation earned during the applicable pay period.

656.2 No Ceiling on Payments

The danger pay allowance is not subject to any ceiling which would provide a payment less than the full percentage rate prescribed for the post.

657 Exclusion of Danger Pay Allowance from Step Pay Increase Computations

Payment of the danger pay allowance shall not be construed as part of basic compensation for computing within-grade, step, merit pay increases and Senior Executive Service or Senior Foreign Service bonuses.

9/6/81

TL:SR-342

STANDARDIZED REGULATIONS
(Government Civilians, Foreign Areas)